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Mary Skeerney

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/632,036
Applicant : Kaumaya et al.
Filed : August 3, 2000
TC/A.U. : 1642
Examiner : Rawlings, Stephen L.

Docket No. : 18525/04011
Customer No. : 24024

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicants hereby notify the U.S. Patent and Trademark Office of the documents which are listed on the attached PTO/SB/08 A&B form and/or listed herein.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicants do not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

FOREIGN LANGUAGE DOCUMENTS

- ☐ In compliance with the concise explanation requirement under 37 C.F.R. § 1.98(a)(3) for foreign language documents, Applicants enclose herewith a copy of a Communication from a foreign patent office in a counterpart application citing such documents, together with an English-language version (if not already included) of that portion of the Communication indicating the degree of relevance found by the foreign patent office.
- ☐ In compliance with the concise explanation requirement under 37 C.F.R. § 1.98(a)(3) for foreign language documents, Applicants submit the following explanations:
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- ☐ Complete English translations of foreign language documents are being submitted herewith, and therefore no concise explanation for such documents is required.

CERTIFICATION AND FEE PAYMENT INFORMATION

- ☒ The present Information Disclosure Statement is being filed: (1) No later than three months from the application's filing date; (2) Before the mailing date of the first Office Action on the merits (whichever is later); or (3) Before the mailing date of the first Office Action after filing a request for continued examination under 37 C.F.R. § 1.114, and therefore, no Statement under 37 C.F.R. § 1.97(e) or fee under 37 C.F.R. § 1.17(p) is required. If this is not the case, the patent office is hereby authorized to charge any related fee to **Deposit Account No. 03-0172**.
- ☐ The present Information Disclosure Statement is being filed thirty days or fewer from a Communication from a foreign patent office and Applicants submit the following Statement Under 37 C.F.R. § 1.704(d). Each item of information contained in the Information Disclosure Statement was cited in a Communication from a foreign patent office in a counterpart application and this Communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.
- ☐ The present Information Disclosure Statement is being filed after the later of three months from the application's filing date and mailing date of the first Office Action on the merits, but before a Final Office Action, Notice of Allowance, or an action that otherwise closes prosecution in the application (whichever is earlier), and therefore Applicant submits the following Statement under 37 C.F.R. § 1.97(e). No fee under 37 C.F.R. § 1.17(p) is required. If this is not the case, the patent office is hereby authorized to charge any related fee to **Deposit Account No. _____**.
- ☐ Each item of information contained in this information disclosure statement was cited in a Communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement.
- ☐ No item of information contained in this information disclosure statement was cited in a Communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned, having made reasonable inquiry, was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this statement.
- ☐ The present Information Disclosure Statement is being filed (without a Statement under 37 C.F.R. § 1.97(e)) after the later of three months from the application's filing date and the mailing date of the first Office Action on the merits, but before a Final Office Action, Notice of Allowance, or an action that otherwise closes prosecution in the application (whichever is

earlier). Accordingly, Applicants submit the fee required under 37 C.F.R. § 1.17(p). The fee is being paid in the following manner:

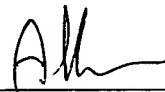
- ☐ A check is attached in the amount of \$_____ as required under 37 § 1.17(p).
- ☐ The patent office is hereby authorized to charge the amount of \$_____ and any related fee to **Deposit Account No.** _____.
- ☐ The present Information Disclosure Statement is being filed after the mailing of a final Office Action, Notice of Allowance or an action that otherwise closes prosecution in the application, but on or before the payment of the issue fee. Accordingly, Applicants submit the following Statement under 37 C.F.R. § 1.97(e) along with the fee required under 37 C.F.R. § 1.17(p).
 - ☐ Each item of information contained in this information disclosure statement was cited in a Communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement.
 - ☐ No item of information contained in this information disclosure statement was cited in a Communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned, having made reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

AND, the fee is being paid in the following manner:

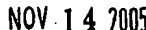
- ☐ A check is attached in the amount of \$_____ as required under 37 § 1.17(p).
- ☐ The patent office is hereby authorized to charge the amount of \$_____ and any related fee to **Deposit Account No.** _____.

Respectfully submitted,

CALFEE, HALTER & GRISWOLD LLP

By 

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Reg. No. 56,774
Tel.: (216) 622-8504



Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Sheet	1	of	1
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Complete if Known

Application Number	09/632,036
Filing Date	August 3, 2000
First Named Inventor	Kaumaya et al.
Art Unit	1642
Examiner Name	Rawlings, Stephen L.
Attorney Docket Number	18525/04011

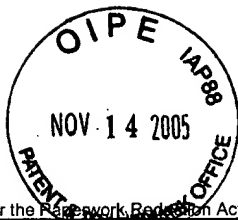
U. S. PATENT DOCUMENTS

[illegible]

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This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Complete if Known

Application Number	09/632,036
Filing Date	August 3, 2000
First Named Inventor	Kaumaya et al.
Art Unit	1642
Examiner Name	Rawlings, Stephen L.
Attorney Docket Number	18525/04011

Sheet 1 of 1

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		Abstract P1004, "A Combination of HER-2 Peptide Epitope Vaccines Mediate Superior Biological Effects" by Kaumaya et al., Second International and the Seventeenth American Peptide Symposium, June 9-14, 2001, San Diego, CA, attached to pages identifying the Source Publication	
		Abstract P1012, "Evaluation of synergistic Interaction Between Cytokines and Peptide Epitope Vaccines in Protection Against HER-2 Expressing Lung Metastases" by Dakappagari et al., Second International and the Seventeenth American Peptide Symposium, June 9-14, 2001, San Diego, CA, attached to pages identifying the Source Publication	

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